North Central Regional Transit District
Board Meeting
Friday, September 7, 2012

CALL TO ORDER:

A regular meeting of the North Central Regional Transit District Board was called to order on the above date by Commissioner Daniel Barrone, Chair, at 9:16 a.m. at the Jim West Transit Center, 1327 Riverside Drive, Española, New Mexico.

1. **Pledge of Allegiance**
2. **Moment of Silence**
3. **Roll Call**

Roll call indicated the presence of a quorum as follows:

Members Present:	**Elected Members**	**Alternate Designees**
Los Alamos County	*Councilor Geoff Rodgers*	
Rio Arriba County		
Taos County	*Commissioner Daniel Barrone*	
Santa Fé County	*Commissioner Kathy Holian*	
Pojoaque Pueblo	*Mr. Tim Vigil*	
Ohkay Owingeh		
San Ildefonso Pueblo		
Santa Clara Pueblo		*Ms. Mary Lou Valério*
Tesuque Pueblo	*Gov. Charles Dorame*	

City of Santa Fé		*Mr. Jon Bulthuis*
City of Española		*Ms. Peggy Martínez*

Staff Members Present
Mr. Anthony J. Mortillaro, Executive Director
Ms. Barbara Mascareñas, Executive Assistant
Mr. Mike Kelly, Transit Operations Manager
Ms. Linda Trujillo, Service Development and Projects Manager
Mr. Brian Mirabal, Finance Manager
Mr. Jim Nagle, Public Information Officer

Others Present
Mr. Peter Dwyer, Legal Counsel
Mr. David Harris, New Mexico Department of Transportation
Mr. Terry Doyle, Rio Metro, Transportation Director
Mr. Dewey Cave, Rio Metro Executive Director
Mr. Greg White, NMDOT
Mr. Andrew Martinez, Rio Arriba County
Mr. Carl Boaz, Stenographer

4. INTRODUCTIONS

Those present introduced themselves to the body.

5. APPROVAL OF AGENDA

Commissioner Holian moved to approve the agenda as presented. Mr. Vigil seconded the motion and it passed by unanimous voice vote.

6. APPROVAL OF MINUTES

- **Minutes of Regular Meeting on August 3, 2012**

Commissioner Holian moved to approve the minutes of August 3, 2012 as presented. Ms. Valério seconded the motion and it passed by unanimous voice vote.

7. PUBLIC COMMENTS

Mr. Andrew Martinez, Rio Arriba County Planner shared some maps of Rio Arriba County Planning and Zoning. Commissioner Trujillo and the County Manager instructed him to work on ridership for NCRTD and work on how to improve the service in Rio Arriba County to enhance the economy, to go green and assist seniors and poor people with safety.

He had been using the bus but it has been difficult. It was not convenient. He had a son going to Pojoaque High School and gave his son the dollar for the ride home but sometimes he lost it and at other times he forgot to give him a dollar. He tried to write a check but the driver couldn't take a check. He asked if the RTD could incorporate a student pass or something.

Yesterday he had a flat tire. He lives in Velarde and called to ask when a bus would come by and was told he needed to allow 48 hours. He later admitted he really didn't have a flat tire but trying to use the system. In his community they had a recreation center and an elementary school being built on that corridor, both of which were things that could increase ridership.

He asked why there was no route that made a loop around Española. He saw people going to college who had to walk across the Fairview Bridge where trucks were hauling gravel. People were hitchhiking. It was a safety hazard. He proposed an east-west route on his map that hopefully the board would consider.

Chair Barrone recommended he get with staff to bring the proposal forward within the Board's proper protocol for new routes or enhanced route service.

Mr. Martinez said he did contact his Commissioner and the County Manager but they unfortunately were not here to present a motion to bring it forward for the next board meeting.

PRESENTATIONS

There were no presentations.

ACTION ITEMS FOR APPROVAL/DISCUSSION:

A. Review and Adoption by Resolution No. 2012-20 creating an Ex-officio non-voting Board Seat on the Board of Directors of the NCRTD for the Rio Metro Regional Transit District.

Mr. Mortillaro explained this was the result of an earlier request we made of Rio Metro Transit District requesting they provide us a seat on their board since we provide about $2 million to their operations annually through GRT. They did honor our request and created a seat and he had been attending their meetings. At their last meeting Rio Metro approved allowing NCRTD to share information with them and requested a reciprocal agreement. Our by-laws allow this and it only needs a simple majority vote.

He introduced Mr. Dewey Cave, the CEO of MRCOG and Terry Doyle, the Transportation Director.

Mr. Cave reported that the Rio Metro board was unanimous in accepting NCRTD representation on

their board. It was important to have the conversations and relationships. He hoped this board would support having Rio Metro on the board. He thought they could provide some value and if approved, Terry Doyle would probably be the person attending the meetings.

Mr. Doyle said this all came out of the Rio Metro Board trying to balance the budget last year. The districts were really tied together with the Rail Runner sitting in the middle of it. Our corridor was 240 miles long and there were lots of opportunity to work together in both districts.

Rio Metro was also in preliminary talks with Torrance County and NCRTD has Edgewood on this agenda. Torrance County was looking to join either Rio Metro or NCRTD. More to come on that. It was important to make sure the services in Torrance County serve us both.

Mr. Bulthuis moved to approve Resolution 2012-20 as presented. Mr. Vigil seconded the motion and it passed by unanimous roll call vote with Los Alamos County, Taos County, Santa Fé County, Pojoaque Pueblo, Santa Clara Pueblo, Tesuque Pueblo, Santa Fé City and Española voting in favor and none voting against.

B. Review and Adoption by Resolution No. 2012-12, Adding the Town of Edgewood as a New Member of the NCRTD

Mr. Mortillaro presented this item. At the June 1 board meeting he presented a resolution passed by the Town of Edgewood requesting membership on this board. The Board asked that the item be delayed until September and asked him to follow up with questions and the answers were in the staff report. Edgewood was informed this was on the agenda today but he didn't see them here. He didn't know why they weren't here today. They would not be seeking any additional services other than the continuation of the Edgewood-Santa Fé commuter route. It was a heavily utilized route. The District started with a 15 passenger bus and went to a 28 passenger route once they got the drivers certified for CDL. It was about 75% full.

Shortly after the June board meeting, Mike Kelly and he went to Edgewood and visited with the town administrator and the mayor came and said they were very interested in joining. They hoped to be approved in June but were very interested and hoped the board would consider it.

Commissioner Holian noted there were 11 members and with Edgewood would have 12. She asked what would be required for a quorum.

Mr. Mortillaro said on page 31 of the packet was the voting analysis. It didn't take any votes away from any members but raised the quorum requirements from 15 to 16. There was an increase in voting strength for Española and was incorporated into the analysis.

He noted that Santa Fé County passed a resolution (p 73) supporting the request.

Councilor Rodgers asked if they were just adding them as a member of the district.

Mr. Mortillaro agreed. The District indicated to any entity wishing to join that it didn't bring automatic service or additional service. Edgewood offered about 12 acres for NCRTD parking rather than leasing a space. The bus stays overnight at the fire station now.

Mr. Bulthuis was not clear on the discussions of Rio Metro with Edgewood.

Mr. Mortillaro said this was the first time he had heard of it. Torrance County had not contacted him.

Mr. Doyle said it was just a preliminary discussion. At the height of the Torrance Transit Service they handled 17,000 passengers a year including some from Mountainair and stopped in Albuquerque at Tramway. At the end of federal funding it ended in 2010 and some people were passionate about reviving it. They were exploring every avenue they could and working on a mayors' caucus in Torrance to get something going. There were no discussions on services or money but just to mobilize the county to get something happening.

Mr. Bulthuis asked if they approved Edgewood to come in how it would affect Torrance County.

Mr. Doyle said Edgewood was in Santa Fé County so they were part of NCRTD tax base and this would not affect much in Torrance County. The DOT provided a route from Moriarty to downtown Albuquerque. They would need to work together on how to serve that sliver of Santa Fé County. There were no commitments that had been made. Edgewood was approached by Torrance County but didn't participate in the meetings.

Gov. Dorame asked if the route was just between Edgewood and Santa Fé.

Mr. Mortillaro agreed. It was a service that was requested back in January.

Ms. Trujillo said the Edgewood - Santa Fé route was established in 2007 and was the first route RTD had. The ridership fell off and was canceled for about a year and a year ago they requested to revive it. Some people from Moriarty go to Edgewood to catch it to Santa Fé. It was a morning/ evening route.

Gov. Dorame explained that economic development was the reason why Tesuque Pueblo jointed the NCRTD. He said there were tribes in the north that had economic development and it would help enhance their economic development to have transportation to those economic development areas. Tesuque was not part of the county resolution.

Commissioner Holian said she didn't have that much of a history with it.

Ms. Trujillo described how it came to be and for the most part, people from Edgewood didn't seem to be going further north.

Mr. Mortillaro said the reason it worked now was that the drivers were also riders. They end up dropping everyone off and then take the bus with them to their job and at 5:00 they go back and pick up on the way back and didn't have to "dead head." It really served the folks who worked in Santa Fé only. So if someone else rides it in the morning, they would be stuck in Santa Fé until 5:00. It was popular and not

having to buy gas for 120 miles was attractive.

Mr. Kelly added that it gave folks the opportunity if they were not commuting to connect with Santa Fé Trails or RTD to go further north. So they could commute further north. It wouldn't work well going south.

Mr. Mortillaro worked on funding for the transit plan and would engage the communities on what their transportation needs were and likely would get requests for additional routes for work or medical or educational purposes. He anticipated around summertime next year that they would be having quite a lot of dialog to meet customer needs.

Commissioner Holian moved to approve the Resolution 2012-12 as presented. Councilor Rodgers seconded the motion.

Mr. Dwyer clarified that this needed a 2/3 majority of the members present.

The motion passed by unanimous roll call vote with Los Alamos County, Taos County, Santa Fé County, Pojoaque Pueblo, Santa Clara Pueblo, Tesuque Pueblo, Santa Fé City and Española voting in favor and none voting against.

C. Review and Adoption by Resolution No. 2012-21, Repealing NCRTD Board Resolution NO. 2007-13 in its Entirety and Adopting New Procurement Regulations.

Mr. Mortillaro presented this resolution. The existing rules were adopted in August 2007 over five years ago. There were changes in state regulations over that course of time so they had to go back and check them to ensure District practices were in line with the changes or modify the policies. Some of the old regulations were not specific so they had to be enhanced.

Lastly, the FTA conducted a management review and issued their report in July and noted items that were missing in our rules and regulations and he told FTA the District would address that through adopting new rules. They were no conflicts of interest in the old policy, for instance. He gathered together the best practices from members and put the document together of those he thought would work for the District and addressed FTA concerns. They were presented to the Finance Subcommittee at their August 31 meeting and they requested a change on multi-term contract limits. He turned to finance committee members for other comments.

Chair Barrone recalled the District was criticized by the newspapers a few months ago for past practices. He asked if those issues had been resolved.

Mr. Mortillaro agreed they were resolved. His practice was to follow the rules and if there was any need for deviation he would bring it back to the Board. The rules would have provided a lot of guidance as we went through purchase and construction of this building had they been modified then.

Councilor Rodgers said, having gone through it, that it seemed very comprehensive and was a very good procurement code.

Commissioner Holian agreed it was comprehensive and fit with the oversight audit and would clear up the findings received in it.

Mr. Vigil was good with it.

Mr. Mortillaro referred to page 79 in the manual and said the New Mexico Constitution gives the District the authority to adopt its own rules and regulations so this exempted the District from all provisions of the state procurement code. Page 80 showed the exemptions. Purchases required a PO.

Article II said the CEO was the purchasing agent and he delegated it to Mr. Mirabal, Finance Manager. The authority to execute contracts remained as depicted and limited in the by-laws and anything above that comes to the Board.

Page 92 covered small purchases. Those between $10,000 and $35,000 required three quotes that could be verbal or written. Professional services not exceeding $50,000 could be done without competitive sealed bids or proposals.

Page 96 dealt with multi-term contracts, e.g., engineering services, which was on an on-call basis so the contract was multi-year. The Finance Committee noted that it could accrue and go over the Executive Director's limit.

Councilor Rodgers pointed out that it said it shall be brought for initial approval.

Mr. Mortillaro after thinking about it suggested they probably should take out "initial."

Councilor Rodgers agreed it should be taken out.

Mr. Mortillaro went to page 100 on cooperative procurement which allows the District to make cooperative procurements with other government entities to save money. They were discussing with Los Alamos County on a cooperative purchase of software that would help the District greatly. We might do one with Rio Metro in buying buses.

Mr. Vigil added that tribal entities should be included in #22. Mr. Dwyer agreed it could be put in there. He wasn't sure how it could be done but it would be okay.

Mr. Mortillaro said the District had cooperative agreements on federal grants already.

#27 dealt with District procurement records. FTA said some of the records were not as they wanted them. A separate document spells out how the files were to be set up. It was not provided as an attachment because it was procedural and flexibility was needed in amending these documents as necessary.

Page 110 was on protests, appeals and remedies. It also changed because of the FTA review. Appeals come to the District Board and once the Board takes their action, if the person was dissatisfied

they could appeal to the First District Court.

Mr. Dwyer thought it was good to have that because on construction of the current building the District had protests. It would have helped to have these in place at that time. Page 113 spelled out ethics in public contracting.

Councilor Rodgers moved to approve Resolution No. 2012-21, Repealing NCRTD Board Resolution NO. 2007-13 in its Entirety and Adopting New Procurement Regulations with two changes: In Section 20 - multi-term contracts A 1 d - strike "initial." In Section 22 - Cooperative Procurement - add "tribal entities." Ms. Martínez seconded the motion and it passed by unanimous roll call vote with Los Alamos County, Taos County, Santa Fé County, Pojoaque Pueblo, Santa Clara Pueblo, Tesuque Pueblo, Santa Fé City and Española voting in favor and none voting against.

D. Review of Resolution 2011-15 providing for the continuation of Resolution 2010-09 to eliminate fares for all fixed routes and paratransit up to three-fourths of a mile from fixed routes operated by the North Central Regional Transit District.

Ms. Trujillo presented this resolution which was on page 126 of the Board packet. In a table at the bottom were dates and actions. She discovered when reviewing the history that the 2011-15 was a 24 month resolution. So it would run through December 2013. There was some cloudy understanding of the expiration so she brought it to the Board today to clarify it. The staff recommendation was to leave it as is. It was passed by vote and so we were asking if the board had any problem or concern in letting it be the two-year resolution.

Councilor Rodgers clarified that in September 2013 the Board would review it and consider a new resolution then.

Ms. Trujillo agreed. She said a fare collection system would only recover 1% of costs. To implement fares they would need to purchase fare boxes.

Councilor Rodgers explained that he was not suggesting we start charging fares.

Mr. Mortillaro said they would provide a report in September 2013.

Councilor Rodgers moved that the board consider the Resolution 2011-15 to run through December 2013. Ms. Martínez seconded the motion and it passed by unanimous voice vote.

E. Review and Acceptance of Goals and Objectives for Executive Director for the period of June, 2012 – June 2013

Chair Barrone said the executive committee reviewed these goals and objectives with Mr. Mortillaro.

Mr. Mortillaro referred to page 151 which was a listing of Goals and Objectives previously adopted by

the Board. He was proposing some modifications and additions. Goals 6 and 9 were new.

Chair Barrone said it was important that the Board come together on this and it becomes a review of the Board to determine if they were met.

Mr. Bulthuis requested an addition. Rio Metro was not expressly stated here to maintain that relationship.

Mr. Mortillaro suggested he could put it in as Goal 12. Mr. Bulthuis agreed.

Mr. Bulthuis proposed language, Participate in Rio Metro Board meetings and keep the RTD board informed."

Mr. Dwyer cautioned they might not want to limit it just to Rio Metro but for other entities out there that you might stay in touch with.

Mr. Mortillaro suggested, "or other potential members" in item b.

Mr. Bulthuis moved to approve the Goals and Objectives as amended with the addition to attend and participate in Rio Metro Board meetings and keep the District board informed and meets with other non-members and other transit agencies. Mr. Vigil seconded the motion and it passed by unanimous roll call vote with Los Alamos County, Taos County, Santa Fé County, Pojoaque Pueblo, Santa Clara Pueblo, Tesuque Pueblo, Santa Fé City and Española voting in favor and none voting against.

F. Review and Adoption of Resolution No. 2012-22, A Resolution Adopting an Infrastructure Capital Improvement Plan (ICIP)

Ms. Trujillo explained that this resolution was required by the State to be considered for state funding. It was for a five year plan that was adopted by resolution. Staff recommends approval. She listed the top 5 priorities to be considered. Page 156 showed the 5 year capital investment plan.

Mr. Mortillaro clarified that the State asked us to prioritize our submittals.

Councilor Rodgers moved to approve Resolution No. 2012-22, a Resolution Adopting an Infrastructure Capital Improvement Plan (ICIP). Ms. Martinez seconded the motion and it passed by unanimous roll call vote with Los Alamos County, Taos County, Santa Fé County, Pojoaque Pueblo, Tesuque Pueblo, Santa Fé City and Española voting in favor and none voting against. Santa Clara Pueblo was out of the room during the vote.

Chair Barrone asked to amend agenda for closed session ahead of discussion items

Councilor Rodgers moved to amend the agenda to go into closed session ahead of

consideration of discussion items. Ms. Martínez seconded the motion and it passed by unanimous voice vote.

K. Closed Executive Session - Pursuant to NMSA 1978 Section 10-15-1.H(2) to discuss limited personnel matters.

Mr. Vigil moved to go into closed executive session pursuant to NMSA 1978, Section 10-15-1.H(2) to discuss limited personnel matters. Councilor Rodgers seconded the motion and it passed by unanimous roll call vote with Los Alamos County, Taos County, Santa Fé County, Pojoaque Pueblo, Santa Clara Pueblo, Tesuque Pueblo, Santa Fé City and Española voting in favor and none voting against.

The Board went into closed executive session at 10:48.

At 12:26 p.m. the Board returned to open session on a motion made by Ms. Martínez, seconded by Commissioner Holian and passed on a unanimous voice vote.

L. Reconvene in Open Session

Mr. Dwyer announced to the public that during the closed executive session no actions were taken and the only matters discussed were limited personnel matters concerning a possible 1.5% increase in pay for the Executive Director with an evaluation to be conducted in March 2013.

Chair Barrone asked him to make a statement regarding collective bargaining.

Mr. Dwyer said no action taken and the Executive Director should take appropriate action.

Commissioner Holian moved to accept that report. Councilor Rodgers seconded the motion and it passed by unanimous roll call vote with Los Alamos County, Santa Fé County, Taos County, Tesuque Pueblo, Santa Clara Pueblo, City of Española and City Santa Fé voting in favor and none voting against.

Councilor Rodgers moved to grant the Executive Director a 1.5% raise effective September 7, 2012 with a performance evaluation to be done in May, 2013. Commissioner Holian seconded the motion and it passed by unanimous roll call vote with Los Alamos County, Taos County, Santa Fé County, Santa Clara Pueblo, Tesuque Pueblo, City of Española and City of Santa Fé voting in favor and none voting against.

Mr. Bulthuis, Commissioner Holian and Councilor Rodgers excused themselves from the meeting at 12:30 p.m. leaving the Board with no quorum for the remainder of the meeting.

DISCUSSION ITEMS

G. Financial Report for August 2012

Mr. Mirabal introduced himself as the Finance Manager and shared his background. He presented the financial report as of August 31 2012 and shared specific highlights from it.

Mr. Mortillaro noted that it was early in the fiscal year and there would be more to report later.

H. Finance Subcommittee Report – NA

Mr. Mortillaro said the Finance Committee met on the procurement policies and discussed the FTA review and their minutes would be shared next month.

I. Tribal Subcommittee Report

Ms. Valério announced the Tribal Subcommittee would meet on September 18.

J. Executive Report for August 2012 and Comments from the Executive Director

Mr. Mortillaro mentioned a few items from his report that was in the packet.

The FTA FMO review was attached. He sat down with the Finance Subcommittee and went over the contents. This was the first federal review since the creation of the District and they would naturally find some things. The material weaknesses were listed and staff closed out over 13 of those and had a few others that Mr. Mirabal was working on and would submit a letter to them and action on procurement would be incorporated into the letter so they had made significant progress on their concerns.

On page 244 was an attendance report. The bylaws require that an attendance report was to be submitted in April but wasn't so it is presented today together with what the bylaws say about it. On April 2013 we would provide another one to the Board.

Lastly, he was asking for the board's direction. When they set up the legislation for GRT collection and distribution, the legislature took the short cut by saying revenues would be collected and then DFA would remit proportionate shares to each county and then the county would send these funds to the district. He believed it should be the other way around and wanted to go to legislature this year, so instead of the check going to the county it would come directly to the District so we would not have to wait on the county eventually cutting the District a check. He talked with several legislators and found no resistance but didn't want to submit any legislation without the board agreeing.

Mr. Dwyer said such legislation passed once before but was pocket vetoed by Governor Richardson. Mr. Greg White asked Mr. Mortillaro if he had talked with other RTDs about the issue.

Mr. Mortillaro said Rio Metro was the only other one with taxes and he wanted to wait for our board's reaction. Rio Metro was open to it and knew about the veto last time.

Mr. White asked him to keep DOT informed so they wouldn't be blind-sided by it.

Chair Barrone asked if the Board would want to see this go forward.

Ms. Martínez saw no problem and the other Directors expressed no opposition or concern and Chair Barrone asked him to go forward with it.

MATTERS FROM THE CHAIR

Chair Barrone said the contract related issues would be on a future agenda.

Mr. Dwyer agreed to meet with Mr. Mirabal on it.

Gov. Dorame asked to have Mr. Andrew Martínez put on the October agenda. Mr. Mortillaro agreed.

MATTERS FROM THE BOARD

There were no matters from the Board.

ADJOURN

Having completed the agenda, the Board meeting adjourned at 12:45 p.m.

Approved by:

Daniel R. Barrone, Chair

Attest:

Geoffrey Rodgers, Secretary

Submitted by:

Carl Boaz, Stenographer